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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,159	04/08/2004	Zachary Adam Garbow	ROC920030400US1	9191
46797	7590	12/10/2007		
IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER BAYOU, YONAS A	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/821,159	Applicant(s) GARBOW ET AL.	
	Examiner Yonas Bayou	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/06/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Abbott et al., Patent No.: US 7,046,263 B1 (hereinafter Abbott).

Referring to claims 1 and 11, Abbott teaches a computer readable medium, a computer and a method of, comprising:

receiving, from a requesting application, a request for emotion data characterizing an emotional state of a user [**column 19, lines 18-25 and fig. 20A**; attributes corresponding to an emotional state of a user (see fig. 15)];

accessing a firewall ruleset defining rules governing the transfer of the emotion data to requesting applications [**column 19, lines 2-6 and fig. 20A**; security authorization corresponding to a firewall];

determining whether to provide the emotion data the requesting application on the basis of the firewall ruleset **[column 5, lines 25-29 and column 16, line 65 - column 17, line 3]**; and

denying the request if the firewall ruleset rules are not satisfied **[column 19, lines 6-9; error message corresponding to denying the request]**.

Referring to claims 2, 3, 12 and 13, Abbott teaches a computer readable medium, a computer and a method, providing the requested emotion data to the requesting application if the firewall ruleset rules are satisfied **[column 16, line 65 - column 17, line 3; security requirement corresponding to firewall ruleset]**.

Referring to claims 4 and 18, Abbott teaches a computer readable medium, a computer and a method, wherein the emotional state characterized by the emotion data is one of angry, sad, happy, excited, nervous, interested and any combination thereof **[column 8, lines 52-66 and column 10, lines 20-23]**.

Referring to claim 5, Abbott teaches a computer readable medium, a computer and a method, wherein the emotional state characterized by the emotion data is any calculable human emotion **[column 12, lines 4-10 and fig. 5]**.

Referring to claims 6, 19 and 22, Abbott teaches a computer readable medium, a computer and a method, wherein the firewall ruleset is configurable by the user **[column 17, lines 51-58]**.

Referring to claims 7, 16 and 20, Abbott teaches a computer readable medium, a computer and a method, wherein the requesting application is a web-based application and the request is received via the Internet **[column 9, lines 22-40 and fig. 1]**.

Referring to claims 8-10, 14 and 30, Abbott teaches a computer readable medium, a computer and a method, wherein the emotion data is based on measurements of physiological parameters **[column 8, lines 52-66 and column 10, lines 20-35]**.

Referring to claims 15, 25, 27 and 28, Abbott teaches a computer readable medium, a computer and a method, further comprising:

collecting input data from at least one input device interfacing with the user **[column 7, lines 43-48 and fig. 1]**; and

generating the emotion data on the basis of the collected input data **[column 7, lines 48-57 and fig. 1]**.

Referring to claims 17, 24 and 26, Abbott teaches a computer readable medium, a computer and a method, wherein the firewall ruleset is a component of an emotion firewall configured with an application programming interface defining a protocol for requesting the data by the applications **[column 5, line 66 – column 6, line 13]**.

Referring to claim 23, Abbott teaches a computer readable medium, a computer and a method, wherein the emotions firewall is middleware **[column 5, lines 44-49]**.

Referring to claims 29 and 34, Abbott teaches a computer readable medium, a computer and a method, wherein at least one input device is configured to measure at least one of typing speed, typing patterns, typing pressure and mouse grip pressure **[column 8, lines 52-66]**.

Referring to claims 31 and 33, Abbott teaches a computer readable medium, a computer and a method, wherein the sensory device comprises at least one of a heart rate monitor, a blood pressure measuring device, a galvanic skin response detector, an movement detector **[column 8, lines 52-66; column 10, lines 20-35 and fig. 1]**.

Referring to claim 32, Abbott teaches a computer readable medium, a computer and a method, comprising:

a source of physiological data of a user, the physiological data having been collected by at least one input device interfacing with the user **[column 8, lines 52-66; column 10, lines 20-35 and fig. 1]**; and

an emotion firewall configured with:

an application programming interface defining a protocol for requesting the physiological data by applications **[column 5, line 66 – column 6, line 13]**; and

a ruleset defining rules governing the transfer of the physiological data in response to requests by the applications **[column 19, lines 2-6 and fig. 20A]**;

wherein the emotion firewall is configured to determine whether to provide requested physiological data to a requesting application on the basis of the ruleset **[column 5, lines 25-29 and column 16, line 65 - column 17, line 3]**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

12/06/2007


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER